

Application No. **10/021,080**
Response Dated 07/29/2005
Reply to Office Action of 04/01/2005

PATENT

Agent's Docket No. 11922-US

Amendments to the Drawings:

The attached sheet of drawings include changes to Fig. 4, and replaces corresponding original sheet including Fig. 4. In Fig., one of the flow chart elements previously labeled 426 has been relabeled 425.

Attachments: Fig. 4 Replacement Sheet

Fig. 4 Annotated Sheet Showing Changes

Application No. 10/021,080
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Remarks and Arguments:

Regarding point 2 of the Detailed Action, applicant respectfully submits that, as tabled in the Office Action Summary form, the application as filed included claims 1 to 24.

In response to the Examiner's objection to the drawings for failure to comply with 37 CFR 1.84(p)(5) because the drawings include reference characters not mentioned in the description:

- applicant respectfully submits that reference characters 228, 427 and 449 do not appear in the diagrams;
- the specification has been amended at paragraph [0057] to add the reference character 224 in the description in compliance with 37 CFR 1.121(b).

Applicant has identified a clerical error. Label 426 has been used for two disparate steps shown in the flow chart of Fig. 4. Paragraph [0047] has been amended to the instance therein to 425. Figure 4 has been amended accordingly.

Regarding the Examiner's objection to claims 1 and 11 under 37 CFR 1.75, it is respectfully submitted that amended claims 1 and 11 are distinct as amended claim 1, and claims dependent from claim 1, now relate to a network management and service provisioning framework while amended claim 11 relates to a network management apparatus.

Claims 10 and 21 have been cancelled.

Independent amended claim 1 of the present application is directed to a framework enabling, and a method of performing, network management and service provisioning in a network management and service provisioning context. The framework comprises a registry for run-time registration of enabling technology plug-ins having corresponding lexical analyzer stubs, a parser processing managed data network entity specifications including directives, a generic lexical analyzer augmented with lexical analyzer stubs for processing

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enabling technology specific directives, and an interpreter for processing software application issued messages including directives employed to invoke at least one operation of a corresponding managed data network object instance.

In establishing a prima facie case of anticipation, it is incumbent on the Examiner to provide a single reference, that teaches every claim element, as interpreted by a person of ordinary skill in the art.

It is the Examiner's position that the Haggerty reference teaches the registry for run-time registration of at least one plug-in brokering access to network management and service provisioning enabling technology, the Examiner pointing to "... topology objects [being] created through OpenView Map additions to the MOM or by auto discovery" on page 76 column 1 paragraph 2 in the Haggerty reference. The Examiner seems to rely on the term "topology objects" for raising objections to the novelty of the single managed entity object class as well for raising objections to the novelty of enabling technology plug-ins. The examiner is respectfully directed to paragraph [0029] for the definitions of managed entities and enabling technologies and the differences therebetween. The Examiner is respectfully directed to a description of OpenView map program presented on page 72 in the first paragraph of column 2 where Haggerty states that the OpenView map program is a "consumer" of information generated by the proposed deployment. The applicant respectfully submits that consumers of information generated by the Haggerty proposed solution are different from network management and service provisioning enabling technologies as defined in paragraph [0029] of the application. Haggerty clearly teaches away from run-time registrable plug-ins in footnote 1 stating that the intention was to implement support for CMIP as a CORBA-gateway. Further, it is clear from Haggerty's description of the Event Service on page 75 column 1 paragraph 3 and the description of the Trap Service Manager on the same page column 2 paragraph 2 that SNMP (an enabling technology) is hardcoded (as opposed to run-time loaded and registrable) in the solution proposed by Haggerty.

It is respectfully submitted that no where in the Haggerty reference does Haggerty teach an enabling technology plug-in having an associated lexical analyzer stub. It is noted

Application No. 10/021,080
Response Dated 07/29/2005
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PATENT
Agent's Docket No. 11922-US

that the Examiner concluded that Haggerty does not disclose a lexical analyzer. Therefore Haggerty does not teach a generic lexical analyzer which is augmented at run-time with a lexical analyzer stub specific to an enabling technology supported for processing enabling technology specific directives.

The Examiner states that the lexical analyzer and parser elements are inherent to the operation of the Haggerty solution. However, it has been established in *Continental Can Co. USA v. Monsanto Co.*, 948 F.2d 1269 that "Inherency [] may not be established by probabilities or possibilities." It is incumbent on the Examiner to point in the prior art to specific support justifying the inherency theory as established in *Ex parte Schricker*.

Without prejudice, Haggerty does not teach a framework for effecting network management and service provisioning in a network management and service provisioning context, the framework comprising a registry for run-time registration of enabling technology plug-ins having corresponding lexical analyzer stubs, a parser processing managed data network entity specifications including directives, a generic lexical analyzer augmented with lexical analyzer stubs for processing enabling technology specific directives, and an interpreter for processing software application issued messages including directives employed to invoke at least one operation of a corresponding managed data network object instance. However, Haggerty teaches providing standard interfaces for sharing information between multiple network management systems with a view to enable management of large networks.

Haggerty therefore fails to teach each and every element of the framework of amended claim 1, amended independent method claim 12 includes similar limitations to those in claim 1. Claims 2 to 9, 11, 13 to 20, and 22 to 24 are variously dependent on claims 1 and 12, and include all limitations thereof. For these reasons, the Applicant respectfully submits that claims 1 to 9, 11 to 20, and 22 to 24 of the present application, as amended, are not anticipated by Haggerty.

Without prejudice, the Applicant further respectfully submits that, in view of the above, the combination of Haggerty and Acker cannot teach every element of amended claims 1. For these reasons, the Applicant respectfully submits that claims 4 and 5 of the

Application No. 10/021,080
Response Dated 07/29/2005
Reply to Office Action of 04/01/2005

PATENT

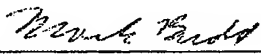
Agent's Docket No. 11922-US

present application, as amended, are not obvious based on the teachings of Haggerty in view of Acker.

It is submitted that no additional subject matter has been introduced by the amendment.

Reconsideration and allowance are respectfully requested.

Respectfully submitted,



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Agent of Record

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Attachments

Appl. No. 10/021,080
 Amdt. Dated Jul. 29, 2005
 Reply to Office Action of Apr. 1, 2005
 Annotated Sheet Showing Changes

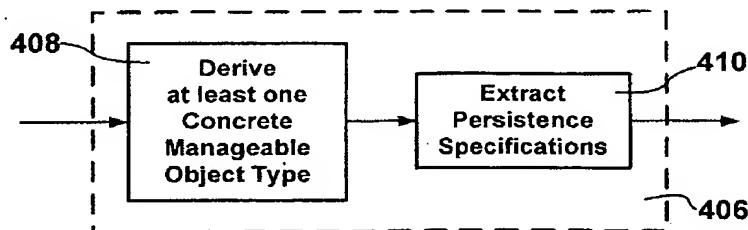
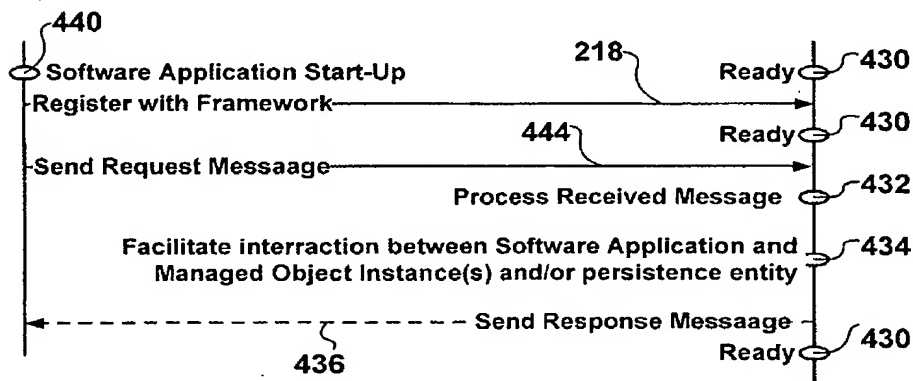
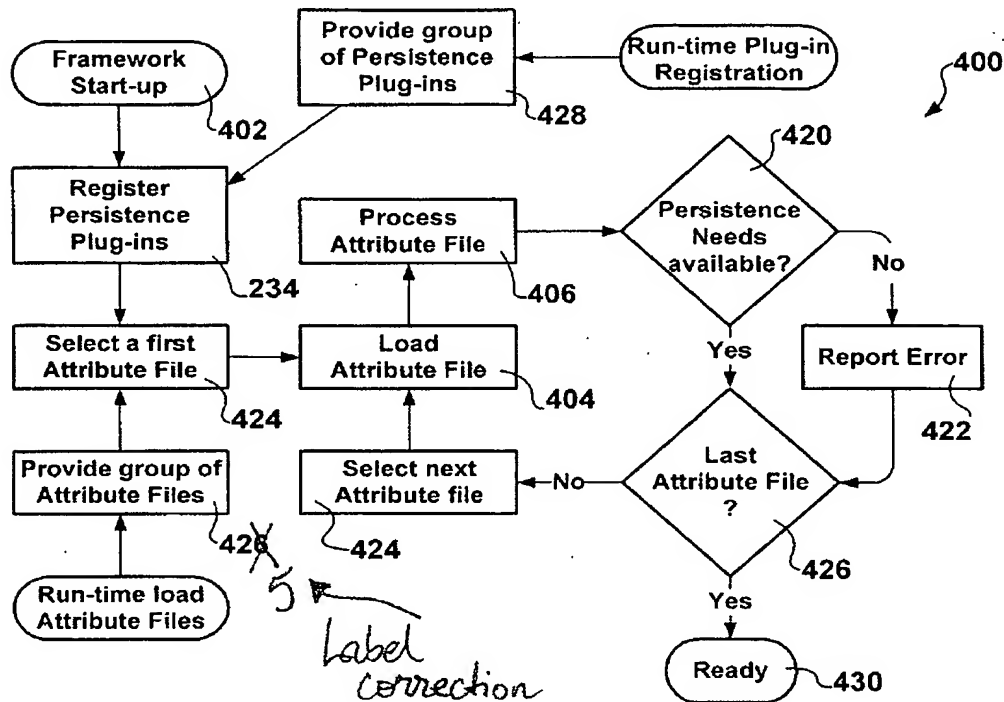


FIG. 4